

AMENDED IN SENATE JULY 11, 2005

AMENDED IN SENATE JUNE 20, 2005

SENATE BILL

No. 1040

Introduced by Senators Dunn and Hollingsworth

February 22, 2005

An act to amend Section 68120 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as amended, Dunn. Public postsecondary education: fees and tuition: waiver: survivors of deceased law enforcement and firefighting personnel.

Existing law requires the Regents of the University of California, the Board of Directors of the Hastings College of the Law, and the Trustees of the California State University to excuse the mandatory systemwide tuition and fees of any surviving spouse or surviving child, natural or adopted, of a deceased person who was a resident of the state, who was employed by a public agency, or who was a contractor, or who was an employee of a contractor, as defined, whose principal duties consisted of active law enforcement service or active fire suppression and prevention, and who was killed in the performance of those duties. This provision is applicable to the Regents of the University of California only if the regents, by resolution, make it applicable.

This bill would add a stepchild living or domiciled with the deceased person at the time of his or her death to the categories of survivors for whom the waiver of mandatory systemwide fees or tuition is authorized by this provision. *The bill would also require any surviving dependent child, as defined, to be claimed on the tax form*

most recently filed by the deceased person prior to his or her death in order to qualify for the waiver of mandatory systemwide fees or tuition.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 68120 of the Education Code is
2 amended to read:

3 68120. (a) Notwithstanding any other provision of law, no
4 mandatory systemwide fees or tuition of any kind shall be
5 required of or collected by the Regents of the University of
6 California, the Board of Directors of the Hastings College of the
7 Law, or the Trustees of the California State University from any
8 surviving spouse or surviving *dependent* child of a deceased
9 person who met all of the following requirements:

10 (1) He or she was a resident of this state.

11 (2) He or she was employed by a public agency, or was a
12 contractor, or an employee of a contractor, performing services
13 for a public agency.

14 (3) His or her principal duties consisted of active law
15 enforcement service or active fire suppression and prevention.
16 This section shall not apply to a person whose principal duties
17 were clerical, even if he or she was subject to occasional call or
18 was occasionally called upon to perform duties within the scope
19 of active law enforcement or active fire suppression and
20 prevention.

21 (4) He or she was killed in the performance of active law
22 enforcement or active fire suppression and prevention duties, or
23 died as a result of an accident or an injury caused by external
24 violence or physical force, incurred in the performance of his or
25 her active law enforcement or active fire suppression and
26 prevention duties.

27 (b) Notwithstanding subdivision (a), a person who qualifies
28 for the waiver of mandatory systemwide fees and tuition under
29 this section as a surviving *dependent* child of a contractor, or of
30 an employee of a contractor, who performed services for a public

1 agency shall, in addition to the requirements set forth in
2 subdivision (a), meet both of the following requirements:

3 (1) Enrollment as an undergraduate student at a campus of the
4 University of California or the California State University.

5 (2) Documentation that his or her annual income, including the
6 value of any support received from a parent, does not exceed the
7 maximum household income and asset level for an applicant for
8 a Cal Grant B award, as set forth in Section 69432.7.

9 (c) As used in this section:

10 (1) “Contractor” or “employee of a contractor” does not
11 include a security guard or security officer, as defined in Section
12 7582.1 of the Business and Professions Code.

13 (2) “Public agency” means the state or any city, city and
14 county, county, district, or other local authority or public body of
15 or within the state.

16 (3) “Surviving *dependent* child” means a natural or adopted
17 child of the deceased person, or a stepchild living or domiciled
18 with the deceased person at the time of his or her death, *who was*
19 *claimed on the tax form most recently filed by the deceased*
20 *person prior to his or her death.*

21 SEC. 2. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety
23 within the meaning of Article IV of the Constitution and shall go
24 into immediate effect. The facts constituting the necessity are:

25 In order to prevent imminent hardship to students who are
26 deserving of the waiver of mandatory systemwide fees and
27 tuition that is provided by Section 68120 of the Education Code,
28 it is necessary that this act take effect immediately.